



IFW

Docket No. 4992 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 1623
Barnett B. ROSENBLUM) Examiner: To be assigned
Serial No.: 10/718,016)
Filed: November 19, 2003)
For: **POLYNUCLEOTIDE SEQUENCE**)
DETECTION ASSAYS)
CERTIFICATE OF MAILING under 37.C.F.R. 1.8
I hereby certify that this correspondence is being deposited with
the United States Postal Service as First Class Mail in an
envelope addressed to: Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450, on the date indicated below:
December 10, 2004
Date of Deposit:
Deborah A. Mojarrro
Name of Depositing Party
Danis and
Signature of Depositing Party

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO/SB/08A) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

(a) [] accompanies a new patent application submitted herewith.

(b) [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.

(c) [X] as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.

(d) [] as far as is known to the undersigned, is filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114.

(e) [] is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final action under §1.113, a notice of allowance under §1.311, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR §1.17(p) or a certification as specified in 37 CFR §1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

(f) [] is filed after the mailing date of either a final rejection or a notice of allowance, but on or before the payment of the issue fee, and is accompanied by the fee (\$180) set forth in 37 CFR §1.17(i)(1) **and** a certification as specified in 37 CFR §1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

[] Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

[] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of all foreign patent documents and non-patent literature items listed on PTO/SB/08A are supplied herewith in accordance with 37 CFR §1.98(a)(2).

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: 12-8-04



Andrew K. Finn, Reg. No. 54,097
Agent for Applicant

Correspondence Address

Customer Number 22896
APPLERA CORPORATION
Applied Biosystems Group
850 Lincoln Centre Drive
Foster City, CA 94404
(650) 638-6245 (Phone)
(650) 638-6677 (Fax)

Please type a plus sign (+) inside this box. →

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO		DEC 13 2004	Complete if Known		
			Application Number	10/718,016	
			Filing Date	November 19, 2003	
			First Named Inventor	ROSENBLUM	
			Group Art Unit	1623	
			Examiner Name	To be assigned	
Sheet	1	of	3	Attorney Docket No.	4992 US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ²		
	01	4,883,750		WHITELEY et al.	11/28/1989
	02	4,988,617		LANDEGREN et al.	01/29/1991
	03	5,185,243		ULLMAN et al.	02/09/1993
	04	5,242,794		WHITELEY et al.	09/07/1993
	05	5,427,930		BIRKENMEYER et al.	06/27/1995
	06	5,470,705		GROSSMAN et al.	11/28/1995
	07	5,476,930		LETSINGER et al.	12/19/1995
	08	5,494,810		BARANY et al.	02/27/1996
	09	5,514,543		GROSSMAN et al.	05/07/1996
	10	5,516,641		ULLMAN et al.	05/14/1996
	11	5,516,663		BACKMAN et al.	05/14/1996
	12	5,521,065		WHITELEY et al.	05/28/1996
	13	5,580,732		GROSSMAN et al.	12/03/1996
	14	5,573,907		CARRINO et al.	11/12/1996
	15	5,624,800		GROSSMAN et al.	04/29/1997
	16	5,703,222		GROSSMAN et al.	12/30/1997
	17	5,777,096		GROSSMAN et al.	07/07/1998
	18	5,789,206		TAVTIGIAN et al.	08/04/1998
	19	5,792,607		BACKMAN et al.	08/11/1998
	20	5,807,682		GROSSMAN et al.	09/15/1998
	21	5,830,711		BARANY et al.	11/03/1998
	22	5,871,921		LANDEGREN et al.	02/16/1999
	23	5,876,924		ZHANG et al.	03/02/1999
	24	5,912,148		EGGERDING	06/15/1999
	25	5,962,223		WHITELEY et al.	10/05/1999
	26	5,989,871		GROSSMAN et al.	11/23/1999
	27	6,004,826		SEGEV	12/21/1999
	28	6,027,889		BARANY et al.	02/22/2000
	29	6,054,564		BARANY et al.	04/25/2000
	30	6,054,266		KRONICK et al.	04/25/2000
	31	6,268,148	B1	BARANY et al.	07/31/2001
	32	6,280,935	B1	MACEVICZ	08/28/2001
	33	6,312,892	B1	BARANY et al.	11/06/2001
	34	6,395,486	B1	GROSSMAN	05/28/2002
	35	6,511,810	B2	BI et al.	01/28/2003
	36	6,558,928	B1	LANDEGREN	05/06/2003
	37	6,632,606	B1	ULLMAN et al.	10/14/2003

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 75763_1

Please type a plus sign (+) inside this box. →

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/718,016
		Filing Date	November 19, 2003
		First Named Inventor	ROSENBLUM
		Group Art Unit	1623
		Examiner Name	To be assigned
(Use as many sheets as necessary)		Sheet 2 of 3	
		Attorney Docket No. 4992 US	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ²			
	38	2002/0102592	A1	LANDEGRENN	08/01/2002	
	39	2003/0032016	A1	BARANY et al.	02/13/2003	

FOREIGN PATENT DOCUMENTS

OTHER ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	55	M. KHANNA et al., "Multiplex PCR/LDR for Detection of K-ras Mutations in Primary Colon Tumors" <i>Oncogene</i> (1999), Vol. 18, pp. 27-38	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 75763-1

Please type a plus sign (+) inside this box. →

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/718,016
				Filing Date	November 19, 2003
				First Named Inventor	ROSENBLUM
				Group Art Unit	1623
				Examiner Name	To be assigned
Sheet	3	of	3	Attorney Docket No.	4992 US

OTHER ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	56	P. GROSSMAN et al., "High-density Multiplex Detection of Nucleic Acid Sequences: Oligonucleotide Ligation Assay and Sequence-coded Separation" Nucleic Acids Research (1994), Vol. 22, No. 21, pp. 4527-4534		
	57	H. M. WENZ et al., "High-precision Genotyping by Denaturing Capillary Electrophoresis" Genome Research (1998), Vol. 8, pp. 69-80		
	58	U.S. Application No. 10/866,012, filed June 10, 2004, "Ligation Assay" 51 pgs. Specification; 3 pgs. Figures.		
	59	U.S. Application No. 10/982,619, filed November 4, 2004, "Concatameric Ligation Products: Compositions, Methods and Kits for Same" 88 pgs. Specification; 9 pgs. Figures		

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 75763_1